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OFFICE OF THE EXCISE COMMISSIONER, ORISSA, CUTTACK

NOTIFICATION

The 19th October 2006

No. 7757—LVIII-112/2005-Ex.—In exercise of the powers conferred by sub-section (1) of Section 90 of the Bihar and Orissa Excise Act, 1915 (Act 2 of 1915), the Board of Revenue, Orissa hereby direct that Rules 9, 20, 34 and 69 of the Board's Excise Rules, 1965 published in the Board of Revenue Notification No. 2769-Ex., dated the 14th August 1965 and published in the *Orissa Gazette*, Extraordinary No. 1703, dated the 15th November 1965 shall be amended as follows :—

AMENDMENT

1. Sub-rule (4) of Rule 9 of the Board's Excise Rules, 1965 shall be substituted as follows :—

“(4) All spirit collected in the receiver/I.M.F.L. or Beer bottled shall be transferred or conveyed into the Storeroom/Warehouse without any delay, provided that no spirit/I.M.F.L./ Beer shall be transferred between 10 P.M. to 6 A.M.”

2. Rule 20 of the Board's Excise Rules, 1965 shall be substituted by the following :—

“20. OPERATIONS IN DISTILLERIES, BOTTLING UNITS AND BREWERIES:
PAYMENT OF OVERTIME FEES, ETC. .

- (1) All operations in a distillery, bottling Unit, brewery, which require the presence of an Excise Officer shall be stopped, subject to the provisions of this rule, on Sundays, other public holidays and specially declared holidays.
- (2) The licensee of any distillery, bottling Unit or brewery shall also so arrange its operations that no Excise Officer or any of his employee need be on duty for more than eight hours per day which is prescribed as the scheduled hours of duty per shift.
- (3) If it becomes necessary for the licensee to run the second shift of 8 (eight) hours, then he can do so only with the prior permission of the Excise Commissioner, Orissa.
- (4) If the production unit will function more than one shift, additional staff shall be posted as would be determined by the Excise Commissioner in accordance with the

provisions of Rule 34 of the Board's Excise Rules, 1965 and the cost of establishment as prescribed under sub-rule (2) of Rule 34 of the Board's Excise Rules, 1965 shall be borne by the Unit.

- (5) The Distillery/brewery/bottling Unit will pay to the State Government Rs. 1,000 per each extra hour of operation of their bottling Unit/Warehouse beyond the scheduled hours as prescribed in sub-rules (1) and (2) above, in addition to the overtime fees payable to the Excise Staff in pursuance of the provisions prescribed hereunder. The Officer-in-charge of the Unit shall deduct the amount due for each day of operation of the Unit beyond the Scheduled hours from the P.L. Account of the licensee. The Officer-in-charge shall submit a detailed report to the Superintendent of Excise of the district with copy thereof to the Excise Commissioner, Orissa at the end of the month indicating the work done and the number of hours engaged in the Unit beyond the scheduled hours on each occasion and the fee realized thereof, for a cross verification at the level of the Superintendent of Excise.
- (6) On Sundays/public holidays and special declared holidays, the Officer-in-charge will not be required to attend for conducting any operation in the Unit without a written requisition of the licensee and overtime fee besides the fee prescribed in sub-rule (5), may be claimed and allowed for such attendance.
- (7) A licensee when requiring the presence of Officer-in-charge for operation of the Distillery, brewery, bottling Unit beyond the scheduled hours prescribed in sub-rule (5) or on holidays prescribed in sub-rule (6), he shall submit a written requisition to the Officer-in-charge indicating the work to be done and the approximate time the work is likely to cover and the hour at which Officer-in-charge is required to attend. A copy of the requisition shall be kept by the licensee for future reference.
- (8) All claims for overtime work must be accompanied by a full statement of work done and the time occupied, stating the hour and minutes and by a copy of the requisition of the licensee for attendance.
- (9) No claim for overtime shall be paid by any Unit until it has been examined and passed by the Superintendent of Excise.
- (10) When an Officer attends on a requisition of the Unit made in accordance with the foregoing conditions, the minimum charges, whatever may be the time occupied shall be for one hour.
- (11) The fee to be charged for each hour of overtime work done shall be one seventh of a day's pay of the officer concerned.
- (12) The claim for fees passed by the Superintendent of Excise shall be credited into the Treasury by the licensee and then redrawn on a bill passed by the Superintendent of Excise".

3. To sub-rule (1) of Rule 34 of the Board's Excise Rules, 1965, the following proviso shall be inserted :—

“ Provided that if any Unit will function with the prior approval of the Excise Commissioner for more than one shift [i.e. 8 (eight) hours], additional staff shall be posted as would be determined by the Excise Commissioner and the cost of establishment of the officer and staff including the additional staff, as prescribed in sub-rule (2) shall be borne by the Unit.”

4. The proviso to sub-rule (3) of Rule 69 of Board's Excise Rules, 1965 shall be substituted by the following :—

“ Provided that no spirit collected in the receiver/I.M.F.L. or Beer bottled shall be transferred or conveyed into the Storeroom/Warehouse between 10 P.M. to 6 A.M. .

Provided further that no spirit/I.M.F.L./Beer shall be issued from the Stroeroom/ Warehouse after Sunset or 6 P.M.”

By order of Member,
Board of Revenue
SUDARSAN NAYAK
Excise Commissioner, Orissa, Cuttack